

1                   UNITED STATES DISTRICT COURT  
2                   EASTERN DISTRICT OF WISCONSIN  
3                \*  
4           ESTATE OF MICHAEL EDWARD BELL, by Special  
Administrator Michael Martin Bell, KIM MARIE  
5           BELL, MICHAEL MARTIN BELL, and SHANTAE BELL,  
Plaintiffs,

6  
7                   vs.                   Civil Action No. 05-C-1176  
8

9                   OFFICER ERICH S. STRAUSBAUGH, OFFICER ERICH S.  
10                  WEIDNER, LIEUTENANT DAVID H. KRUEGER, OFFICER  
ALBERT B. GONZALES, KENOSHA POLICE DEPARTMENT,  
11                  CITY OF KENOSHA,  
Defendants.

12                \*  
13

14                  VIDEOTAPED DEPOSITION OF ERICH WEIDNER

15                  TAKEN AT: KENOSHA CITY HALL  
LOCATED AT: 625 52nd Street  
16                  Kenosha, Wisconsin  
April 30, 2007  
17                  3:08 p.m. to 3:55 p.m.  
18

19                  REPORTED BY ANNICK M. TRIMBLE  
REGISTERED PROFESSIONAL REPORTER  
20

21                \*  
22

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## 1 A P P E A R A N C E S: 2

3 CANNON & DUNPHY, S.C., by  
Mr. Patrick O. Dunphy  
595 North Barker Road  
4 Brookfield, Wisconsin 53008-1750  
Appearing on behalf of the Plaintiffs.

6 CANNON & DUNPHY, S.C., by  
7 Mr. Brett A. Eckstein  
8 595 North Barker Road  
Brookfield, Wisconsin 53008-1750  
Appearing on behalf of the Plaintiffs.

10 GUNTA & REAK, S.C., by  
11 Mr. Gregg J. Gunta  
219 North Milwaukee Street #500  
Milwaukee, Wisconsin 53202-5818  
Appearing on behalf of the Defendants.

13 GUNTA & REAK, S.C., by  
Mr. Kevin P. Reak  
14 219 North Milwaukee Street #500  
Milwaukee, Wisconsin 53202-5818  
15 Appearin on behalf of the Defendants.

17 ALSO PRESENT: Todd Campbell,  
videographer, Albert Gonzales, Erich  
Strausbaugh, David Krueger, Randall Burner

## I N D E X

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22 Examination by: Page  
23  
24 Mr. Dunphy ..... 5  
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E X H I B I T S

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21 (The original exhibits were attached to the  
original transcript. Copies were provided to  
22 all counsel.)

23

24 (The original transcript was delivered to  
Attorney Dunphy.)

25

1 Q Now, if Lieutenant Krueger, Officer Gonzales,  
2 and Officer Strausbaugh all have Mr. Bell up  
3 the hood of the vehicle and had him covered, as  
4 you described, testified to earlier, can you  
5 explain to me how it was that you were able to  
6 see the holster of Officer Strausbaugh?

7 A Because I was on an angle on his southeast from  
8 where he was located. I could see his body was  
9 angled enough so I could see that.

10 Q And was it well lit enough that you could see  
11 the holster?

12 A It was lit enough to see the hand on the  
13 holster, yes.

14 Q And see the holster as well?

15 A Yes.

16 Q And see that the gun was still in the holster?

17 A Yes. It appeared the gun was still in the  
18 holster.

19 Q And roughly how far away would you have been  
20 from Officer Strausbaugh at the time that you  
21 were able to see the gun in the holster with  
22 the hand on top of it?

23 A I'd say five to six feet.

24 Q Can you think of any reason why, based upon  
25 your observation that evening, why Lieutenant

1 Q All right. When did you make the decision that  
2 it was an important bit of information?

3 A When I was speaking with the lawyers.

4 Q Okay. And when you were speaking with the  
5 lawyers the other individuals in the room  
6 included Officer Strausbaugh?

7 A Correct.

8 Q Now, you returned to the scene at roughly 10:30  
9 that morning with Detective Walton?

10 A Correct.

11 Q Were any of the other officers at the scene  
12 when you were there?

13 A Not that I'm aware of, no.

14 Q And while you were there at the scene you were  
15 able to identify your position at the time of  
16 the shooting?

17 A Correct.

18 Q I'm going to show you Exhibit 32 and it has  
19 numbered placards. Do you see that?

20 A Yes.

21 Q Do you see the Placard No. 2?

22 A Correct.

23 Q Is that the position that you were in at the  
24 time Mr. Bell was shot?

25 A Somewhere in that vicinity, yes.

1 Q That was your best effort at identifying for  
2 the investigators where you were located at the  
3 time Mr. Bell was shot?

4 A Correct.

5 Q Do you have any information today that would  
6 allow you to put yourself in a different  
7 position than what's shown in that exhibit?

8 A No.

9 Q Let's go off the record for just a minute,  
10 please.

11 THE VIDEOGRAPHER: The time is 3:54.  
12 We are going off the record.

13 (A discussion held off the record.)

14 THE VIDEOGRAPHER: The time is 3:54.  
15 We are on the record.

16 BY MR. DUNPHY:

17 Q Officer Weidner, I have been advised that your  
18 squad did not have a digital patroller on  
19 November 9, 2004. Would you just verify for  
20 the record, please?

21 A That's correct.

22 MR. DUNPHY: All right. I have no  
23 further questions.

24 MR. GUNTA: I have no questions.

25 THE VIDEOGRAPHER: We are going off